IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1439/2006

SMT. RAJA DEVI Vs. THE STATE OF RAJASTHAN & ANR.

Date of order: 05.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Praveen Jain for the petitioner.

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This criminal revision petition is preferred by the petitioner under Section 397 r/w Section 401 Cr.P.C. against the order of acquittal dated 07.08.2006 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Tonk in Sessions Case No. 35/2004, whereby the accused-respondent has been acquitted from the offence under Sections 323, 341, 354 IPC and Section 3(1)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989.

Having considered the submissions made by the learned counsel for the petitioner, learned Public Prosecutor for the State and upon careful perusal of the impugned order, the prosecution has utterly failed to prove the offence against the accused-respondent, on the contrary all the witnesses declared hostile. After

going through the record of the case and looking to the facts and circumstances and considering the evidentiary value of the evidence, the trial Court has acquitted the accused-respondent from the aforesaid offences.

Since no offence is made out against the accused-respondent and the prosecution has utterly failed to prove the offence against the accused, therefore, the trial Court has rightly acquitted the accused-respondent from the charges under Sections 323, 341, 354 IPC and Section 3(1)(xi) of the SC/ST (Prevention of Atrocities) Act, 1989.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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